

REMARKS

Claims 1, 10, and 19 have been amended to clarify the subject matter regarded as the invention. Claims 1-6 and 8-27 remain pending.

The Examiner has rejected claims 1-6 and 8-25 under 35 USC § 103(a) and claims 26 and 27 under 35 USC § 102(e).

The rejection is respectfully traversed. With respect to claim 1, the claim has been amended to clarify that a person image of a user is extracted from the received image, and the identity of the user determined by matching the person image with an image in a database of user images. The Office Action relies on the discussion of biometric identification schemes in Pare to meet the identification limitations of claim 1. However, Pare teaches conventional biometrics in which a defined set of biometric data is provided using a biometric scanner. Pare at col. 11, lines 34-40. Such a scanner is a special purpose device used to scan in only the data desired to be analyzed, such as a fingerprint, retinal image, or voice print. Pare at col. 68, lines 52-57. By contrast, claim 1 recites receiving a video image comprising a person image and other data, extracting the person image from that data, and then matching the person image to an image in a database of users. Pare teaches neither extracting person image data from other video image data, nor matching person image data to an image stored in a database. As such, claim 1 is believed to be allowable.

Claims 2-6 and claims 8-9 depend from claim 1 and are believed to be allowable for the same reasons described above.

With respect to claim 10, the claim as amended clarifies that a series of person images is extracted from a series of video images and an action of the user determined by processing the

series of person images. The Office Action relies on Eilat, Col. 5, lines 15-25 to satisfy this limitation. However, Eilat does not teach analyzing person image data to detect an action by the user. To the contrary, Eilat teaches using prior art motion sensors embodied in virtual reality equipment worn on the person of the user to detect movements by the user; not the processing of successive video images of the user. Eilat only teaches using a video image of the user to create an “avatar”, or video game character, that incorporates all or part of an image of the user. The movements of the user, as taught by Eilat, are not determined by processing video data. See Eilat at 5:12-26 (distinguishing between “gaming inputs” and the “picture of the player”); 5:52-62 (“player interface kit”, not processing of successive video images, used to detect actions by user); 7:43-8:6 (movement detected by motion sensors in headset and glove, not by analysis of video images). As such, claim 10 is believed to be allowable.

Claims 11-18 depend from claim 10 and are believed to be allowable for the same reasons described above.

Claim 19 has been amended similarly to claim 1 and is believed to be allowable for the same reasons described above with respect to claim 1.

Claims 20-25 depend from claim 19 and are believed to be allowable for the same reasons described above.

With respect to claim 26, as discussed above with respect to claim 10, Eilat does not teach “controlling the content based on the person image by detecting an action by the user based on changes in the person image between the at least two images”. Instead, Eilat teaches detecting an action by the user based on motion sensors embodied in virtual reality equipment worn by the user. As such claim 26 is believed to be allowable.

Claim 27 depends from claim 26 and is believed to be allowable for the same reasons as described above.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment with additions underlined and deletions struck through. The attached page is captioned "Version with markings to show changes made."

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

AMENDMENTS TO THE CLAIMS

1. (Twice Amended) A method of conducting commerce over a network, comprising:
 - encoding content for conversion into vision-enabled content;
 - receiving payment for encoding the content;
 - providing a program to decode the vision-enabled content;
 - receiving a[n] video image comprising a person image of a user;
 - extracting the person image portion of the received video image;
 - recognizing an identity of the user based on said person image of the user by matching the person image of the user with an image stored in a user image database;
 - selecting a subset of the vision-enabled content based on the identity of the user;
 - and
 - sending the selected subset of the vision-enabled content to the user over a network, wherein the program decodes the selected subset of the vision-enabled content and combines the image of the user with the selected subset of the vision-enabled content.

10. (Twice Amended) A method of conducting commerce over a network, comprising:
 - encoding content for conversion into vision-enabled content;
 - receiving payment for encoding the content;
 - providing a program to decode the vision-enabled content; and
 - sending the vision-enabled content to a user over a network, wherein the program:
 - decodes the vision-enabled content;
 - [and] receives a series of video images, each image comprising a person image of the user;
 - [and utilizes] extracts from each video image the associated person image of the user to create a series of person images; and
 - processes the series of person images to detect an action by said user; and

[the series of images of the user to] controls the vision-enabled content [by detecting an action by said user by processing said series of images] based on said action.

19. (Twice Amended) A method of conducting commerce over a network, comprising:
- encoding content for conversion into vision-enabled content;
 - providing a program to decode the vision-enabled content;
 - receiving a[n] video image comprising a person image of a user;
 - recognizing an identity of the user based on said person image of the user by matching the person image of the user with an image stored in a user image database;
 - selecting a subset of the vision-enabled content based on the identity of the user;
- and
- sending the selected subset of the vision-enabled content to the user over a network, wherein the program decodes the selected subset of the vision-enabled content.